REMARKS

Claims 1-18 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1-18 Under 35 U.S.C. §103(a)

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cole *et al.* (US 5,854,901), in view of Arndt *et al.* (US 5,724,510). It is requested that this rejection be withdrawn for at least the following reason. Cole *et al.* and Arndt *et al.*, alone or in combination, do not teach or suggest all the limitations of the subject claims.

> To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) ***must teach or suggest all the claim limitations.*** *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants' claimed invention relates to a system and method of detecting and preventing the use of duplicate IP addresses in order to select and set new IP addresses. (*See* Abstract). In particular, independent claim 1 (and similar independent claims 12, 15, and 17-18) recites ***generating an identifying value that identifies a random period of time to wait before probing a network with which a probing entity desires to interact.*** Cole *et al.* and Arndt *et al.*, alone or in combination, do not teach or suggest such novel aspect of the invention as claimed.

Cole *et al.* describes a serverless network protocol that discovers IP addresses for network endpoints. (*See* col. 1, ll. 10-12). The Examiner concedes that Cole *et al.* does

not specifically disclose ***generating an identifying value that identifies a random period of time to wait before probing a network with which a probing entity desires to interact.*** (*See* Final Office Action dated August 24, 2005, pages 3-4). In order to cure this deficiency, the Examiner offers Arndt *et al.*

Arndt *et al.* describes a method for configuring valid IP addresses for a LAN test instrument and detecting duplicate IP addresses between devices in a LAN. (*See* col. 1, ll. 7-10). The Examiner contends that Arndt *et al.* discloses generating an identifying value that identifies a random period of time to wait before probing a network with which a probing entity desires to interact at col. 1, ll. 28-34. (*See* Final Office Action dated August 24, 2005, pg. 4). Applicants' representative respectfully disagrees with such contention. At the indicated passage, Arndt *et al.* describes a method that resolves collisions between nodes. When two or more nodes try to send information at the same time, a collision occurs. A "back off" procedure then operates, where each node waits a random period of time before attempting to send the information again. (*See* col. 1, ll. 28-34). Arndt *et al.* therefore performs the "back off" procedure after a collision occurs, not before the network is probed. The invention as claimed, in contrast, identifies a random period of time to wait before the network is probed and thus before a collision could possibly occur. Waiting a random period of time before resending information ***after a collision*** is not equivalent to identifying a random period of time to wait ***before probing a network*** as recited in the subject claims.

In response, the Examiner contends that Arndt *et al.* discloses this limitation by monitoring network traffic for a period of time before sending or generating the ARP request to the target address at col. 2, line 55 – col. 3, line 9 and col. 11, ll. 9-18. (*See* Final Office Action dated August 24, 2005, pg. 2). Applicants' representative respectfully disagrees with this contention. The claimed invention identifies a ***random*** period of time to wait before probing a network, whereas the cited reference describes a test instrument that monitors network traffic for a ***predetermined*** period of time before choosing an IP address. (*See* col. 2, line 55 – col. 3, line 9 and col. 11, ll. 9-18). Because the identifying value is random, it is likely that a device will wait a different period of time each time it probes a network—such waiting period is not predetermined, but determined for each time a device needs to select an IP address. Arndt *et al.* is silent with

respect to generating an identifying value that identifies a ***random*** period of time to wait before probing a network with which a probing entity desires to interact, as claimed.

In view of at least the foregoing, it is readily apparent that Cole *et al.* and Arndt *et al.*, alone or in combination, do not teach or suggest the invention as recited in independent claims 1, 12, 15, and 17-18 (and associated dependent claims 2-11, 13-14, and 16). Accordingly, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP227US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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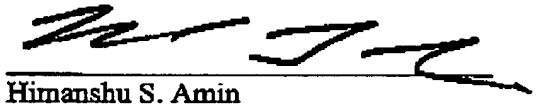

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